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7 IN THE UNITED STATES DISTRICT COURT
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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 LORENZO CRENSHAW,
12 Plaintiff,

No. C 08-05161 CRB

13 v.
14 CITY OF OAKLAND, et al.,
15 Defendants.

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17 Now pending before the Court is defendant's motion to dismiss and motion to
18 continue scheduling order dates. Plaintiff has filed an opposition to the scheduling order
19 motion but not to the motion to dismiss. After carefully considering the parties' papers the
20 Court concludes that oral argument is unnecessary, see Local Rule 7-1(b), and rules as is set
21 forth below.

22 Defendant's motion to dismiss the due process claim is GRANTED without leave to
23 amend. Plaintiff did not file an opposition and it appears to the Court that amendment of this
24 claim would be futile.

25 Defendant's motion to dismiss the equal protection claim and the Monell claim is
26 GRANTED with leave to amend.

27 Defendant's motion to dismiss the DOE defendants is DENIED without prejudice.

28 Defendant's motion to continue the scheduling order dates is GRANTED in part and
DENIED in part. The parties shall appear for a case management conference at 8:30 a.m. on

1 Friday, February 27, 2009. Counsel for plaintiff is directed to contact defendant's counsel
2 within 24 hours of the filing of this Order to meet and confer on the preparation of a Joint
3 Case Management Conference Statement. The deadline for filing the statement, the Rule
4 26(f) Report and to complete initial disclosures is continued to February 20, 2009.

5 **IT IS SO ORDERED.**

6 Dated: Feb. 12, 2009



7 CHARLES R. BREYER
8 UNITED STATES DISTRICT JUDGE